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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,915	11/27/2001	Marianne Hickey	1509-247	7400

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EXAMINER

REID, CHERYL M

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,915

Applicant(s)

HICKEY ET AL.

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/08/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-10, 16-17 have been examined.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 16-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. ***Claims 1, 2-6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mark et al (US 6687358) in view of Dalrymple et al (US 6976094) in view of Ogdon et al (US 6598075).***

4. In regards to claim 1, Mark teaches of : the communication is managed as a session having one or more participants with the user, via the first device, being an initial participant to the session (fig 1, col 3, lines 20-25); the user, using the first device, instructs an output device(computer) to join the session (col 3, lines 20-25). Mark does

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not explicitly teach of the remaining limitations. In an analogous art, Dalrymple teaches of session joining information being passed from the first device to the output device and the output device uses the session-joining information to join the session as a participant (col 4, lines 5-20). Dalrymple does not explicitly teach of the remaining limitations. In an analogous art, Ogdon teaches of the interfacing handler (firewall) sends content and/or content references from the content server to the participants in the session, the output device outputting for the user at least some of the content (Col 15, lines 40-50, fig 1b), wherein "output device" is the client system (i.e computer, audio player) and wherein outputting is performed by delivery of content to user. It would have been obvious to one of ordinary skill in the arts at the time of invention to incorporate the above teachings because the inventions are analogous art (i.e. relates to the facilitation of communication among a plurality of entities). One of ordinary skill in the arts at the time of invention would have been motivated because the above modifications would result in a more efficient and cost-effective method of facilitating multi-party conferencing via a network, which is advantageous as discussed by Ogdon (col 1, lines 20-50).

5. In regards to claims 2-6, neither Mark nor Dalrymple explicitly teaches of the limitations. In an analogous art, Ogdon teaches of : wherein the devices register their communication capabilities with the session and the interfacing handler sends content and/or content references from the content server to the devices taking account of their registered capabilities(Col 2, lines 58-65, Col 3, lines 30-45 Col 19, lines 20-25, Col 20, lines 19-25); wherein the interfacing handler sends content from the content server to

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the output device according to authorisation information specified by the user (Col 15, lines 40-50, fig 1b, Col 18, lines 50-56); the content server provides content in multiple media types and the at least one second is capable of handling one or more media types not handled by the first device (Col 2, lines 5-10, Col 3, lines 25-45); the interfacing handler is a browser arranged to interpret pages with markup tags provided by the content serve Ogdon implicitly teaches on this aspect. Ogdon teaches on an interfacing handler (firewall) that provides content from a content server (Col 15, lines 40-47). Ogdon teaches of using his invention with the TCP/IP protocol (Col 2, lines 15-20) and teaches of using the HTTP protocol. It is well know in the art that the above-mentioned protocols incorporate markup tags. Thus it is obvious to one of ordinary skill in the art that the firewall(interface handler) has the capabilities to interpret pages with markup tags provided by the content server; the first device is a voice communication device and the interfacing handler is a multimodal browser capable of handling voice markup pages provided by the content server; Ogdon teaches of wherein the first device can be a voice communication device (Col 2, lines 5-10) and teaches wherein the interfacing handler (firewall) is a multimodal browser capable of handling voice markup pages provided by the content server (Col 3, lines 25-45, Col 15, lines 40-50). The motivation discussed in claim 1 applies.

6. In regards to claim 8, Mark does not explicitly teach of the limitations. Dalrymple teaches of wherein the first device passes on the session-joining information using a short-range communication link (fig fig 2, col 4, lines 5-20).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mark et al (US 6687358) in view of Dalrymple et al (US 6976094) in view of Ogdon et al (US 6598075) as applied to claim 1 above, and further in view of Wolfe et al hereinafter Wolfe (US 6779025).

8. In regards to claim 7, neither Pennock nor Ogdon teaches wherein the first device is a cellular phone Wolfe teaches on this aspect (Col 6, lines 47-50). The motivation discussed above in claim 2 applies.

9. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mark et al (US 6687358) in view of Dalrymple et al (US 6976094) in view of Ogdon et al (US 6598075) as applied to claim 1 above, and further in view of Pennock (US 6807562).

10. In regards to claims 9-10, the rejection was set forth in the previous office action mailed on 6/29/05. It would have been obvious to one of ordinary skill in the arts at the time of invention to incorporate the above teachings because the inventions are analogous art (i.e . relates to the facilitation of communication about entities over a network). One of ordinary skill in the arts at the time of invention would have been motivated for the reasons discussed by Dalrymple (col 1, lines 15-25) and Mark (col 2, lines 15-20).

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dalrymple et al (US 6976094) in view of Ogdon et al (US 6598075).

12. In regards to claim 16, Dalrymple teaches of : session manager(proxy server) operative to set up a communication session with the user device as an initial member(fig 2), and to pass the user device a session identifier for the session (col 4, lines 13-16); a receiving means for receiving from an output device, a joining request including said session identifier (col 4, lines 5-20) the receiving means being operative to pass the request to the session manager, and the session manager being responsive to the request to join the output device to the communication session (col 4, lines 20-45),. Dalrymple does not explicitly teach of the remaining limitations. In an analogous art, Ogdon teaches of receiving capability information concerning what types of content the output device can handle (Col 19, lines 20-25), means for retrieving content from a content server and delivering at least some of that content as voice signals to the user device (Col 2, lines 5-10); and means for sending to the output device, whilst joined to the communication session, elements of the said content retrieved from the content server that are of a type which, according to the device's registered capability information, the output device can handle (Col 3, lines 25-45, Col 3, lines 59-65, Col 14, lines 1-5). It would have been obvious to one of ordinary skill in the arts at the time of invention to incorporate the above teachings because the inventions are analogous art (i.e. relates to the facilitation of communication among a plurality of entities). One of ordinary skill in the arts at the time of invention would have been motivated because the

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above modifications would result in a more efficient and cost-effective method of facilitating multi-party conferencing via a network, which is advantageous as discussed by Ogdon (col 1, lines 20-50).

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogdon et al (US 6598075) in view of Dalrymple et al (US 6976094) .

14. In regards to claim 17, Ogdon teaches of : a processor for setting up a communications session with an interfacing handler through which the user device can receive content from a content server (col 15, lines 40-50, fig 1b). Ogdon does not explicitly teach about the remaining limitations. In an analogous art, Dalrymple teaches of assembling session joining data for enabling an output device to join the communication session by that device passing the session joining data(success indication, OK) to the interfacing handler (proxy server) (col 4, lines 35-45) ; a transmitter connected to be responsive to the processor for sending the session joining information to the output device independently of the interfacing handler (col 4, lines 45-47. It would have been obvious to one of ordinary skill in the arts at the time of invention to incorporate the above teachings because the inventions are analogous art (i.e. relates to the facilitation of communication among a plurality of entities). One of ordinary skill in the arts at the time of invention would have been motivated because the above modifications would result in a more efficient and cost-effective method of

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facilitating multi-party conferencing via a network, which is advantageous as discussed by Ogdon (col 1, lines 20-50).

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER